

REMARKS

Applicant wishes to thank the Examiner for the consideration given this case to date. Applicant has now had an opportunity to carefully consider the Examiner's action, and respectfully submits that the application, as amended, is now in condition for allowance.

THE EXAMINER'S ACTION

In the Office Action dated March 4, 2004, the Examiner:

objected to claims 1-8 for various informalities;

withdrew claims 9-15 from consideration as being directed to a non-elected invention;

and

indicated claims 17-19 were allowed.

OBJECTIONS

The Office has objected to claims 1-8 because of an informality. Applicant herein amends claim 1 as suggested by the Examiner, thus overcoming this objection.

RESTRICTION

Applicant respectfully traverses the Restriction Requirement and requests reconsideration in light of the marks presented below. In order to be fully responsive, Applicant has canceled the claims withdrawn by the Office in this response.

MPEP § 803 states in relevant part that, "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

Applicant respectfully submits that the Office will not be seriously burdened, and in fact, has already conducted a search covering the elements that form the basis of the present

restriction. As understood, the restriction is founded on two assertions by the Office. Namely, that the restricted claims do not require a cutting die and that the conveyor system in the restricted claim could be laterally separated as opposed to vertically separated.

With regard to the assertion that the now restricted claims do not include a cutting die, the Office's attention is respectfully directed at restricted claim 9, which includes "a cutting wheel having a cutting die extending therefrom..." Indeed, several of the references of record have been asserted by the Office as disclosing cutting dies (see Office Action mailed 19 August 2003, Thurston U.S. 17,408; Pfaff, Jr. U.S. 5,365,815; Maxi et al. U.S. 3,547,170).

Regarding the assertion that the restricted claims permit alternate configurations of the conveyor webbing or film, Applicant notes that this alternate configuration appears to have been searched and at least two references of record appear to disclose the alternative embodiment that forms the basis of the restriction. For example, Kitai et al. U.S. 4,072,060 appears to disclose a conveyor mechanism with laterally spaced belts. Similarly, Breton U.S. 5,427,005 also appears to disclose laterally spaced conveyors (Ref. No. 13). Therefore, because the search and examination of the now restricted claims can be made without serious burden, and indeed has already been made, Applicant respectfully requests that the Examiner reconsider and withdraw the Restriction Requirement passing this case to allowance.

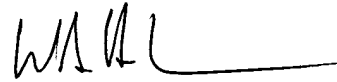
CONCLUSION

For the foregoing reasons, Applicant respectfully asserts that the case is now in a condition for allowance. The Commissioner is hereby authorized to charge any additional fees, or credit any overpayment to Deposit Account No. 02-2051, referencing Attorney Docket No. 24221-88-2.

Respectfully submitted,

Dated: May 4, 2004

By:



W. Scott Harders
Registration No. 42,629

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF, LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
(216) 363-4443